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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,851	12/09/2003	Arnold H. Bramnick	BOC9-2003-0038 (407)	5241
40987 7590 03/01/2007 AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3628	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/730,851

Applicant(s)

BRAMNICK ET AL.

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/9/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/1/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Status of Claims*

1. Due to communications filed 12/9/03, the following is a non-final first office action. Claims 1-23 are pending in this application and have been examined on the merits. Claims 1-23 are rejected as follows.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11, and 13-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Slivka et al (US 2003/0225600).

As per claims 1, 13, 23, Slivka et al discloses:

obtaining passenger data for said passenger/means for obtaining....,

([0034], lines 1-8, passenger information obtained);

comparing the passenger data with one or more rules/means for comparing....,

([0024], function of rules database, w/ [0037], lines 1-9, once PNR information is collected, rules executed); and

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presenting rebooking flight candidates to said passenger based upon said comparing step/means for presenting re-booking, ([0044], once PNR values have been determined, alternative itineraries ultimately determined, w/[0045], output file).

As per claims 2, 14, Slivka et al discloses:

wherein a passenger value is determined from the passenger data by the application of the rules, and said rebooking flight candidates are offered to said passenger based upon said passenger value, ([0024], function of rules database, w/ [0037], lines 1-9, once PNR information is collected, rules executed).

As per claim 3, 10, 15, 21, 22, Slivka et al discloses:

wherein said passenger data of said passenger is compared to passenger data of at least one other passenger in need of rebooking, and said passenger is offered rebooking flight candidates based upon said comparing step/further comprising means for comparing said flight operations data for said rebooking flight candidates/compares passenger data with flight operations data for said rebooking flight candidates, ([0015], and [0050], compared to other passengers/customers).

As per claims 4/16, Slivka et al discloses:

wherein said passenger data is provided substantially real time, ([0048], real time).

As per claims 5, 7, 17, 19, Slivka et al discloses:

wherein said presenting step comprises presenting high remaining unflown value flight rebooking candidates and not presenting rebooking flight

candidates with lower unflown values/wherein said passenger data comprises the remaining unflown ticket value for said passenger ([0052], shows a re-accommodation process where based on passenger value, higher value is booked).

As per claims 6, 18, Slivka et al discloses:

wherein said presenting step comprises offering said passenger incentives for selecting rebooking flight candidates with high remaining unflown value, ([0004], lines 22-26, shows example of rewards).

As per claim 8, Slivka et al discloses:

wherein said passenger data comprises passenger loyalty data, (Claim 3, frequent flyer status).

As per claim 9, Slivka et al discloses:

a data store comprising passenger data and flight operations data, said flight operations data comprising flight rebooking candidates for said passenger, ([0019], operation database and passenger database); and

means for presenting to said passenger rebooking flight candidates based upon said passenger data, ([0028], monitor).

As per claim 11, Slivka et al discloses:

wherein said means for comparing ranks said rebooking flight candidates according to rules, (Table 3).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al (US 2003/0225600 A1) as applied to claim 1 above, and further in view of Gillis et al (US 2002/0178018 A1), as cited by applicant.

As per claim 12, Slivka et al does not specifically disclose the following, but does disclose a system for re-accommodating passengers as shown in the abstract.

However, Gillis et al discloses:

wherein said means for presenting rebooking candidates to said passenger comprise a kiosk, ([0002], kiosks). Gillis et al discloses this limitation in an analogous art for the purpose of showing that kiosks are commonly used to perform customer service functions.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to present rebooking candidates to passengers with the motivation of using common customer service means to present information that relates to the customer being serviced.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-746-7238

[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications],

and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read "A. R. B.", with a stylized, cursive script.

A. R. B.

February 20, 2007